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In re Application of
FLETCHER et al.
Serial No.: 10/576,983
PCT No.: PCT/IB04/52178
Int. Filing Date: 22 October 2004
Priority Date: 24 October 2003
Attorney's Docket No.: 00878.0052USWO
For: TABLEWARE-WASHING PROCESS INCLUDING
A BIOCIDES

DECISION ON PETITION

UNDER 37 CFR 1.182

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment or in Alternatively, Petition for Revival of an Application for Patent Abandoned Unintentionally" filed 03 January 2008 in the United States Patent and Trademark Office (USPTO) in the above-captioned application and as explained below, will be treated as a petition under 37 CFR 1.182.

On 24 April 2006, applicant filed the U.S. national stage application for international application PCT/EP04/52178, under 35 U.S.C. 371. These papers were assigned U.S. serial number 10/576,983.

On 20 November 2006, a Notification of Missing Requirements, was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 19 December 2006, applicant filed a response; however, the transmittal letter referenced the incorrect U.S. national stage application number (10/576,963).

On 10 December 2007, a Notification of Abandonment was mailed to applicant indicating that applicant failed to respond to the Notification of Missing Requirements.

On 03 January 2008, applicant filed the instant petition, accompanied by a copy of the declaration and the itemized postcard receipt with USPTO date-stamp 19 December 2006, indicating receipt of, *inter alia*, a declaration executed by the inventors.

DISCUSSION

Applicant requests withdrawal of the holding of abandonment, indicating that a response to the Notification of Missing Requirements, was mailed on 19 December 2006. Applicant requests, in the alternative, that the application, unintentionally abandoned, be revived.

A review of the application papers filed on 19 December 2006 indicates that the transmittal letter bore an incorrect U.S. application number (10/576,963). The accompanying

papers referenced the correct U.S. application number (10/576,983). Because applicant indicated an incorrect application number on the transmittal letter, the papers filed on 19 December 2006 were placed in the file indicated by the application number on the transmittal letter. However, since applicant did indicate the correct application number on some of the papers filed, the application is not abandoned and a petition under 37 CFR 1.182 is the proper petition to correct an incorrect number on a filing. The petition filed on 03 January 2008 will be treated as a petition under 37 CFR 1.182 to correct the national stage application number in the application papers to 10/576,983.

Applicant originally filed a response to the Notification of Missing Requirements on 19 December 2006, which incorrectly referenced 10/576,963. The declaration was filed referencing PCT/IB04/52178 and the accompanying papers referenced 10/576,983. The \$400 petition fee has been charged to applicant's deposit account per his authorization to correct the incorrect serial number.

A review of the declaration reveals that the declaration identifies and is executed by each inventor, and states the residency, citizenship and mailing address of each inventor. Thus, the declaration is acceptable and the requirements of 37 CFR 1.497(a) and (b).

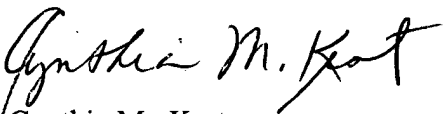
CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct the U.S. National stage application no. to 10/576,983 on the national stage papers filed on 19 December 2006 is **GRANTED**. The papers will be moved to this application.

The 10 December 2007 Notification of Abandonment is hereby **VACATED**.

The copy of the declaration originally submitted on 19 December 2006 and resubmitted on 03 January 2008 is acceptable and meets the requirements of 37 CFR 1.497(a) and (b). The surcharge of \$65 was paid on 21 December 2006.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **19 December 2006**.



Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459